

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

SEVENTY-THIRD LEGISLATIVE DAY
WEDNESDAY, MARCH 19, 2008

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Burkett, Cameron, Darrington, Fulcher, Kelly, Little, McKenzie, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Wade Smith, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 18, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Kelly, Little, and Stegner were recorded present at this order of business.

March 19, 2008

The JUDICIARY AND RULES Committee reports that **S 1509**, **S 1510**, **S 1511**, **SJM 113**, and **SJM 114** have been correctly printed.

DARRINGTON, Chairman

S 1509 was referred to the Transportation Committee.

S 1510 was referred to the State Affairs Committee.

S 1511 was referred to Finance Committee.

SJM 113 and **SJM 114** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 18, 2008

The JUDICIARY AND RULES Committee reports that **S 1339**, as amended, as amended in the House, and **S 1370**, as amended in the House, have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1339**, as amended, as amended in the House, and **S 1370**, as amended in the House, and ordered them transmitted to the House for the signature of the Speaker.

March 18, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1335**, **S 1340**, **S 1341**, **S 1363**, **S 1377**, **S 1405**, **S 1407**, **S 1431**, as amended, **S 1440**, **S 1442**, and **S 1466** were delivered to the Office of the Governor at 12 p.m. on March 18, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 18, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 130** was delivered to the Office of the Secretary of State at 12:02 p.m. on March 18, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 18, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **HCR 53** with the recommendation that it do pass.

ANDREASON, Chairman

HCR 53 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 18, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 448**, **H 449**, **H 450**, and **H 556** with the recommendation that they do pass.

ANDREASON, Chairman

H 448, **H 449**, **H 450**, and **H 556** were filed for second reading.

March 18, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 481**, as amended, with the recommendation that it do pass, and with the recommendation that they be placed on the Consent Calendar.

ANDREASON, Chairman

H 481, as amended, was filed for second reading.

March 17, 2008

The FINANCE Committee reports out **S 1511** with the recommendation that it do pass.

CAMERON, Chairman

S 1511 was filed for second reading.

March 18, 2008

The EDUCATION Committee reports out **H 607** with the recommendation that it do pass.

GOEDDE, Chairman

H 607 was filed for second reading.

March 18, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 588**, **H 563**, **H 564**, and **H 615** with the recommendation that they do pass.

HILL, Chairman

H 588, **H 563**, **H 564**, and **H 615** were filed for second reading.

Senators Cameron and McKenzie were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senator Darrington was recorded present at this order of business.

March 18, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1324, as amended, **S 1350**, **S 1380**, as amended,
S 1382, **S 1397**, as amended, **S 1414**, as amended,
S 1415, as amended, **S 1419**, **S 1434**, and **S 1462**

As Always - Idaho, *'Esto Perpetua'*
/s/ C. L. 'Butch' Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 18, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I hereby advise you that I have transmitted to the Office of the Secretary of State, with my approval, the following Senate Bill, to wit:

S 1382

within the time prescribed by law, the same having arrived in the Office of the Governor at the hour of 12:30 p.m. on March 13, 2008.

To paraphrase Ronald Reagan, "There you go again."

Once more we are making a very specific and tortured exception to Idaho liquor license policy for a particular business - albeit one that is unusually important to its community and county.

Well folks, it's time to draw a line in the sand.

This session's requests from Tamarack and others appear to be valid under current circumstances and I will not oppose them. However, with the end of the 59th Idaho Legislature it is time to call a halt to the practice of granting exception after exception to our liquor license rules. It's time to comprehensively reform a system that over too many decades of piecemeal changes has become a patchwork of special circumstances and ambiguity.

The Alcohol Beverage Control Task Force that I established a year ago is moving forward with a set of proposals that will be finalized and ready for legislative action in January, 2009. In an effort that will resume shortly after the Legislature adjourns this year, the broad-based group of stakeholders, regulators, legislators, and industry representatives is carefully considering the license quota system, waiting lists, transfers and private sales, issuance of licenses at the local level, revenue distribution, and enforcement.

I asked the Task Force to consider why the state should be in the business of determining how many liquor licenses are available in any given Idaho community. Why should the Legislature, the Governor, the Liquor Dispensary, or the Idaho State Police have greater influence than local residents and elected officials over the character of their community?

Some will take issue with particulars of the proposed reforms. Some will disagree with the level of state involvement proposed, whether too great or too little.

Our job as state policy makers is to listen to the concerns and needs of our citizens and our communities, then craft the best, most reasonable, most sensible, most understandable, and most broadly acceptable system we can for licensing liquor sales. It is my expectation and hope that the effort will come to fruition during the 2009 legislative session.

Until it does, the era of special liquor licenses is coming to an end with a successful – and I hope fast approaching – motion to *sine die*.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Burkett and Pearce were recorded present at this order of business.

March 18, 2008

Mr. President:

I transmit herewith **H 643, H 619, H 620, HCR 58, H 657, H 644, H 645, H 648, H 650, H 652, and H 653**, which have passed the House.

ALEXANDER, Chief Clerk

H 643, H 619, H 620, HCR 58, H 657, H 644, H 645, H 648, H 650, H 652, and H 653 were filed for first reading.

March 18, 2008

Mr. President:

I transmit herewith **S 1477, S 1478, S 1479, S 1480, S 1481, S 1482, S 1483, and S 1393**, which have passed the House.

ALEXANDER, Chief Clerk

S 1477, S 1478, S 1479, S 1480, S 1481, S 1482, S 1483, and S 1393 were referred to the Judiciary and Rules Committee for enrolling.

March 18, 2008

Mr. President:

I transmit herewith Enrolled **H 561 and H 562** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 561 and H 562** and ordered them returned to the House.

March 18, 2008

Mr. President:

I transmit herewith Enrolled **H 348**, as amended, **H 350**, as amended in the Senate, **H 400, H 422**, as amended in the Senate, **H 470**, as amended in the House, **H 476, H 480, H 512, H 528**, as amended in the Senate, **H 543**, as amended, **H 548, H 608, H 609, H 610, H 611, H 613, and H 614** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 348**, as amended, **H 350**, as amended in the Senate, **H 400, H 422**, as amended in the Senate, **H 470**, as amended in the House, **H 476, H 480, H 512, H 528**, as amended in the Senate, **H 543**, as amended, **H 548, H 608, H 609, H 610, H 611, H 613, and H 614**, and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that **SCR 138** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, **SCR 138** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 139** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, **SCR 139** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Fulcher was recorded present at this order of business.

H 643 and H 619, by State Affairs Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 620, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

HCR 58, by Appropriations Committee, was introduced, read at length, and referred to the Finance Committee.

H 657, H 644, H 645, H 650, H 652, and H 653, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 648 was introduced and read the first time at length.

On request by Senator Davis, granted by unanimous consent, the following typographical correction was made to **H 648**, pursuant to Senate Rule 9(F):

On page 1, lines 10 and 11, change:
July 1, 2007 - June 30, 2008 to read:
July 1, 2008 - June 30, 2009.

H 648 was referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 541, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1505 and **S 1508**, by Finance Committee, were read the second time at length and filed for third reading.

H 627, H 635, and H 636, by Appropriations Committee, were read the second time at length and filed for third reading.

H 514, as amended in the Senate, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

H 566, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

H 491, as amended in the Senate, by Business Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Risch called Senator Darrington to the Chair.

S 1497 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1497** passed, title was approved, and the bill ordered transmitted to the House.

S 1498 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1498** passed, title was approved, and the bill ordered transmitted to the House.

S 1499 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1499** passed, title was approved, and the bill ordered transmitted to the House.

S 1500 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1500** passed, title was approved, and the bill ordered transmitted to the House.

S 1501 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1501** passed, title was approved, and the bill ordered transmitted to the House.

S 1502 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1502** passed, title was approved, and the bill ordered transmitted to the House.

S 1503 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1503** passed, title was approved, and the bill ordered transmitted to the House.

S 1504 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1504** passed, title was approved, and the bill ordered transmitted to the House.

H 549 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 549** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 550** retained its place on the Third Reading Calendar for March 21, 2008.

The President returned to the Chair.

H 621 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 621** passed, title was approved, and the bill ordered returned to the House.

H 622 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 622** passed, title was approved, and the bill ordered returned to the House.

H 625 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Andreason, Burkett, Gannon, Schroeder. Total - 4.

Total - 35.

Whereupon the President declared **H 625** passed, title was approved, and the bill ordered returned to the House.

H 626 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 626** passed, title was approved, and the bill ordered returned to the House.

The President called President Pro Tempore Geddes to the Chair.

H 628 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 628** passed, title was approved, and the bill ordered returned to the House.

H 629 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 629** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 586** retained its place on the Third Reading Calendar for one legislative day.

S 1484 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Cameron, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Siddoway, Stegner. Total - 23.

NAYS--Bilyeu, Broadsword, Coiner, Corder, Kelly, Langhorst, Sagness (Malepeai), Stennett, Werk. Total - 9.

Absent and excused--Burkett, Gannon, Schroeder. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1484** passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 541**, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 541, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 541**, as amended, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1505** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

S 1505 was read the third time at length and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1505** passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1508** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

S 1508 was read the third time at length and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1508** passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 627** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 627 was read the third time at length and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 627** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 635** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 635 was read the third time at length and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 635** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 636** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 636 was read the third time at length and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 636** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 491**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 491, as amended in the Senate, was read the third time at length and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 491**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, Senate bills **S 1447**, as amended, and **S 1404**, as amended, were placed at the head of the Third Reading Calendar, followed by the bills on the Third Reading Suspension Calendar, followed by remaining bills on the Third Reading Calendar,

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Andreason and Gannon, absent and formally excused by the Chair; and Senators Bair, Broadsword, Burkett, Cameron, Darrington, Hammond, Kelly, Lodge, McGee, Stegner, Stennett, and Werk, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

Senators Burkett and Cameron were recorded present at this order of business.

March 19, 2008

The STATE AFFAIRS Committee reports out **SJR 105**, **SJR 107**, and **H 604** with the recommendation that they do pass.

McKENZIE, Chairman

SJR 105, **SJR 107**, and **H 604** were filed for second reading.

March 19, 2008

The FINANCE Committee reports out **H 644**, **H 645**, **H 648**, **H 650**, **H 652**, **H 653**, **H 657**, and **HCR 58** with the recommendation that they do pass.

CAMERON, Chairman

H 644, **H 645**, **H 648**, **H 650**, **H 652**, **H 653**, **H 657** were filed for second reading.

HCR 58 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 19, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **H 619** with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

SCHROEDER, Chairman

H 619 was filed for second reading.

March 19, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **HJM 11** with the recommendation that it do pass.

SCHROEDER, Chairman

HJM 11 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Stegner was recorded present at this order of business.

March 19, 2008

Mr. President:

I return herewith **S 1356**, as amended in the House, **S 1374**, as amended in the House, **S 1426**, as amended in the House, which have passed the House.

ALEXANDER, Chief Clerk

On request by Senator Jorgenson, granted by unanimous consent, **S 1356**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Siddoway, granted by unanimous consent, **S 1374**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Stegner, granted by unanimous consent, **S 1426**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the House amendments to **S 1356**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1356**, as amended in the House?"

On request by Senator Jorgenson, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1356**, as amended in the House.

S 1356, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to **S 1374**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1374**, as amended in the House?"

On request by Senator Siddoway, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1374**, as amended in the House.

S 1374, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to **S 1426**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1426**, as amended in the House?"

On request by Senator Stegner, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1426**, as amended in the House.

S 1426, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Bair, Broadsword, Darrington, Hammond, Langhorst, Lodge, McGee, Stennett, and Werk were recorded present at this order of business.

S 1447, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Coiner and Stegner arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Acting Senator Sagness disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Bair, Bastian, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Siddoway, Stegner. Total - 23.

NAYS--Bilyeu, Broadsword, Burkett, Kelly, Keough, Langhorst, Sagness (Malepeai), Schroeder, Stennett, Werk. Total - 10.

Absent and excused--Andreason, Gannon. Total - 2.

Paired and voting included in roll call:

AYE - Davis NAY - Burkett

AYE - Lodge NAY - Kelly

AYE - McGee NAY - Langhorst

Total - 35.

Whereupon the President declared **S 1447**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 19, 2008

The HEALTH AND WELFARE Committee reports out **H 489**, as amended, **H 591**, as amended, and **H 511**, as amended, with the recommendation that they do pass.

LODGE, Chairman

H 489, as amended, **H 591**, as amended, and **H 511**, as amended, were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 19, 2008

Mr. President:

I transmit herewith **H 646**, **H 647**, **H 649**, **H 651**, **H 658**, **H 659**, **H 660**, **H 665**, and **H 666**, which have passed the House.

ALEXANDER, Chief Clerk

H 646, **H 647**, **H 649**, **H 651**, **H 658**, **H 659**, **H 660**, **H 665**, and **H 666** were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 646, **H 647**, **H 649**, **H 651**, **H 658**, **H 659**, **H 660**, **H 665**, and **H 666**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:55 p.m. until the hour of 9:30 a.m., Thursday, March 20, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary